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| 10/078,271 | 02/20/2002 | Manabu Takezaki | TAKEZAKI=1 | 3403 |

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EXAMINER

MANCHO, RONNIE M

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3663

DATE MAILED: 09/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/078,271

Applicant(s)

TAKEZAKI ET AL.

Examiner

Ronnie Mancho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-23, 28-35, 37- 41 is/are rejected.
- 7) ☒ Claim(s) 1-41 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

On page 5, second paragraph, the applicant is advised to change “the a car” to --the car--.

In the third paragraph, “once in three times or once in four times” is not clear. The applicant is advised to edit the rest of the specification for clarity.

Appropriate correction is required.

Claim Objections

2. Claims 1, 9-41 objected to because of the following informalities:

In claim 1, line 3, the applicant is advised to change “the a car” to --the car-- for clarity.

In claims 9-41, the applicant is advised to change “giving warning direction for traveling cautions” to ---giving warnings about cautions in a direction of travel--- for clarity. The applicant is further advised to make similar changes if they occur in the other claims not mentioned and also in the specification.

In claim 14, line 3, the applicant is advised to change “insulation duration” to --isolation duration-- for clarity of the claims.

In claim 24, “a voice warning direction” is not clear. In line 2, the examiner suggest that “whether of not” should be changed to -- whether or not -- for clarity.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 17, 27, 28, 29, 30-33, 34, 35, 38, 39, 41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 17&28, the applicant claims “by comparing to a pre-set reference value”, but the parameter being compared to the pre-set value was not disclosed in the claim.

In claim 28, the limitation “long driving or long distance traveling” is not well defined in the claims since what one person considers long could be short to another person.

The same rejection applies to claims 29.

In addition in claims 29 and 30 the applicant claims “warning direction”, but the body of the claim does not seem to portray or indicate any warning direction.

In claim 28, line 2, “the voice” lacks antecedent basis.

In claims 31, 32, 33 “the unsafe driving” lacks antecedent basis.

In claim 34, 35, “the voice” lacks antecedent basis.

In claim 36, the “the voice and the voice output means” lack antecedent basis.

In claim 38, “the current date information” lacks antecedent basis.

In claim 39, “the tunnel” lacks antecedent basis.

In claim 41, the applicant claims that vehicle lights are turned OFF when the vehicle lights are not ON for a period of time. On the other hand, it is not clear how the lights can be

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turned OFF when they are not ON in the first place. In addition, claim 41 is in contradiction with parent claim 37 since claim 37 calls for the lights to be turned off in the daytime while parent claim 37 calls for the light to be turned off in the night and only when the lights are detected to be off.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 9-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Urano (5990898).

Regarding claim 9, Urano discloses a travel direction device comprising a controlling means (figs. 1B, 8, 12; col. 25, lines 15-19) for setting a predetermined area centered about a school as a school zone (col. 25, lines 34-62) and giving warnings about cautions in a direction of travel when a car drives roads in the set school zone based on school days information and time information.

Regarding claim 10, Urano discloses a travel direction device comprising a controlling means (figs. 1B, 8, 12; col. 25, lines 15-19) for setting a school zone (col. 25, lines 34-62) centered about a school depending on types of the school, and giving a warning about cautions in a direction of travel when a car drives the road in the set school zone.

Regarding claim 11, Urano discloses a travel direction device comprising a controlling means (figs. 1B, 8, 12; col. 25, lines 15-19) for setting a school zone (col. 25, lines 34-62) centered about a school depending on types of roads, and giving a warning about cautions in a direction of travel when a car drives the road in the set school zone.

Regarding claim 12, Urano discloses a travel direction device comprising a controlling means for setting a school zone centered about a school depending on road density, and giving a warning about cautions in a direction of travel when a car drives the road in the set school zone (col. 25, lines 15-62).

Regarding claim 13, Urano discloses a travel direction device comprising a controlling means for setting a school zone centered about a school depending on area division, and giving a warning about cautions in a direction of travel when a car drives the road in the set school zone (col. 25, lines 15-62).

Regarding claim 14, Urano discloses the direction of travel device according to claim 9, wherein contents of the direction changes depending on school types, road types, isolation duration (i.e. only on school days) of the area, and vehicle speed.

Regarding claim 15, Urano discloses the direction of travel device according to claim 9, wherein the direction is given before, during, and after passing the school zone (directions are given continuously as the vehicle is driven).

Regarding claim 16, Urano discloses the direction of travel device according to claim 9, wherein a deceleration command signal is sent to a control device of the car when driving through the school zone so as to reduce the speed (the driver has to obey speed limits).

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Regarding claim 17 (as best understood), Urano discloses a direction of travel warning device comprising:

a continuous driving detection means (fig. 1) for detecting continuous driving conditions; and

a warning output means (140, fig. 1) for outputting the warning when continuous driving is detected by the continuous driving detection means (col. 25, lines 15-62).

Regarding claim 18, Urano discloses the direction of travel warning device according to claim 17, wherein the continuous driving detection means detects long time driving.

Regarding claim 19, Urano discloses the direction of travel warning device according to claim 18, wherein the continuous driving detection means detects long distance driving.

Regarding claim 20, Urano discloses the direction of travel warning device according to claim 17, wherein detection by the continuous driving detection means is reset if discontinued for more than a predetermined period of time.

Regarding claim 21, Urano discloses the direction of travel warning device according to claim 17, wherein the travel warning direction device comprises a driver change detection means for detecting a change of a driver, and detection of the continuous driving detection means is reset when the driver change detection means detects the driver change.

Regarding claim 22, Urano discloses the direction of travel warning device according to claim 17, wherein a reference value changes depending on road types.

Regarding claim 23, Urano discloses the direction of travel warning device according to claim 22, wherein the reference value changed depends on time zone.

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7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

8. Claims 28-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Okuda et al (6262657).

Regarding claim 28 (as best understood), Okuda et al disclose a travel warning direction device, in which the device outputs a voice warning when a driving of the car is detected by comparing a driving condition to a pre-set value (abstract; col. 8, lines 49-62).

Regarding claim 29 (as best understood), Okuda et al disclose a travel warning direction device, comprising an unsafe driving detection means for detecting unsafe driving (abstract; col. 8, lines 49-62) by comparing a driving condition to a pre-set value (abstract; col. 8, lines 49-62).

Regarding claim 30 (as best understood), Okuda et al disclose the travel warning direction device according to claim 29, wherein the unsafe driving detection means detects sudden start and sudden stop of the car.

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Regarding claim 34 (as best understood), Okuda disclose the travel warning direction device according to claim 29, wherein the warning direction by the voice output means is given in a certain ratio relative to a number of times the warning is generated.

Regarding claim 35 (as best understood), Okuda disclose the travel warning direction device according to claim 29, wherein the warning direction is given irregularly, by a voice output means, with respect to a number of times the warning is generated.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 31, 32, 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Urao in view of Okuda.

Regarding claim 31 (as best understood), Urano discloses the travel warning direction device according to claim 2, but did not mention an unsafe driving detection means that detects abrupt steering motion. However, Okuda teach of a travel warning direction device wherein an unsafe driving detection means detects abrupt steering motion by rotation of the vehicle (col. 8, lines 49-62).

Therefore, it would have been obvious to one of ordinary skill in the art of vehicular safety at the time the invention was made to modify the Urano apparatus as taught by Okuda for the purpose of safely operating a car.

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Regarding claim 32 (as best understood), Urano discloses the travel warning direction device according to claim 2, but did not mention an unsafe driving detection means that detects abrupt steering motion. However, Okuda teach of a travel warning direction device wherein an unsafe driving detection means detects abrupt steering motion by rotation of a steering wheel (col. 8, lines 49-62).

Therefore, it would have been obvious to one of ordinary skill in the art of vehicular safety at the time the invention was made to modify the Urano apparatus as taught by Okuda for the purpose of safely operating a car.

Regarding claim 33 (as best understood), Okuda disclose the travel warning direction device according to claim 31, wherein the unsafe driving detection means detects abrupt steering by using an angular velocity sensor.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 37-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Stam et al (2003/0138132).

Regarding claim 37, Stam et al disclose a travel direction warning device comprising:
a time zone detection means for detecting whether or not the time is in the daytime;
a lighting detection means for detecting duration for the vehicle light being illuminated;
and

an output means for giving a warning direction to turn off the vehicle light when the daytime zone is detected and the vehicle light is detected as being on for more than a certain period of time (sections 0135, 0202).

Regarding claim 38, Stam et al disclose the travel warning direction device according to claim 37, wherein the time zone detection means detects whether or not the time zone is in daytime from the current date information and position information.

Regarding claim 39, Stam et al disclose the travel warning direction device according to claim 37, wherein the device comprises a means for detecting whether or not there is driving in a tunnel, and the warning direction is prohibited when driving the tunnel.

Regarding claim 40, Stam et al disclose the warning direction device according to claim 37, wherein the device comprises a means for detecting bad weather, and the warning direction is prohibited when driving under the bad weather (section 0171).

Regarding claim 41 (as best understood), Stam et al disclose the travel warning direction device according to claim 37, wherein the warning direction to turn off the lights is changed to one of turning on the lights when the time zone is not detected as the daytime, and if the vehicle light is not detected to be turned on for more than a predetermined period of time.

Allowable Subject Matter

12. Claims 1-8, 24-26, 27, 36 would be allowable if rewritten or amended to overcome the objections set forth in this Office action.

13. The following is an examiner's statement of reasons for allowance:

In independent claim 1, the prior art does not disclose "a notification of direction is given less frequent than a number of times the car drives the traveling route if the car drives the traveling route a plurality of times".

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In claim 24, the prior art does not disclose “a voice output means for outputting a voice warning when the monotony driving detection means detects that the car drives within the reference speed range for the predetermined period of time”.

In claims 27 and 36, the prior art does not disclose “wherein expressions and sex and age of the voice by the voice output means changes depending on time zone, seasons, events, and a number of time of travel”.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following: 6223125, 6262657, 2003/0138132, 6404880, and 2002/0049534 all disclose control for a vehicle system.

Communication

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronnie Mancho whose telephone number is 703-305-6318. The examiner can normally be reached on Mon-Thurs: 9-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Black can be reached on 703-305-9707. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Ronnie Mancho
Examiner
Art Unit 3663

8/30/03


THOMAS G. BLACK
SUPERVISORY PATENT EXAMINER
GROUP 3600